

117A. FIREWORKS

117A.01. Legal Fireworks. "Legal Fireworks" include wire or wood sparklers of not more than 100 grams of mixture per item; other sparkling items which are non-explosive and non-aerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes; snakes and glow worms; smoke devices; and trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

117A.02. Illegal Fireworks Prohibited. Except as otherwise provided by Minn. Stat. Sections 624.20 to 624.25, no person shall offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use or explode any fireworks, as that term is defined in Minn. Stat. Section 624.20, subd. 1.

117A.03. Permit Required for Legal Fireworks. No person shall offer for sale, expose for sale, sell at retail or wholesale, or advertise for the sale of any legal fireworks unless such person shall first obtain a permit to be issued by the city council in the manner hereinafter prescribed, and unless such person shall comply with the provisions of this chapter and the terms and conditions prescribed in such permit.

117A.04. Application for Permit. Subdivision 1. Each applicant for a permit must file a written and signed application with the city clerk for submission to the city council at its next regularly scheduled meeting. Such application must describe the specific location where, the day or days when, and the hour or hours during which the applicant intends to offer for sale, expose for sale, or sell at retail or wholesale any legal fireworks, and such other pertinent information as the council may deem necessary to enable it to carry out the provisions of this chapter. The application must be accompanied by payment of the license fee as established by city council resolution. No permit may be issued unless:

- A. The Planning Department has determined the application satisfies the City's zoning ordinances;
- B. The Fire Department has determined the application satisfies the City's fire code; and,
- C. The Police Department has determined the application satisfies all requirements of state and local laws.

Subd. 2. The application shall contain and applicant shall provide at a minimum the following information:

- a. Applicant's name, address, phone number, and date of birth.
- b. The address and phone number for the sale site.
- c. The nature of the site: Building () Vehicle () Other () _____.
- d. The duration of the permit: From _____ to _____.
- e. The address and phone number for the site.
- f. Type and quantity of specific type of fireworks to be at the site of sale (___lbs.)
- g. A statement that applicant understands that persons selling and purchasing fireworks must be at least 18 years of age.
- h. A statement that applicant understands what constitutes legal fireworks and what are illegal under state law.
- i. Approval by the Rochester Olmsted Planning Department.
- j. Approval by the Rochester Fire Department.

k. Approval by the Rochester Police Department.

Subd. 3. Applicant shall file with the application evidence, in the way of a policy or a certificate of insurance, that the Applicant has liability insurance coverage in an amount of \$1,000,000 per occurrence to cover permittee's intentional and negligent acts relative to the sale, possession or use of fireworks. Such policy or certificate of insurance shall indicate that the City of Rochester shall receive notice at least 30 days prior to the cancellation or termination of the coverage. Any person issued a permit prior to the adoption of this subdivision shall have 10 days from the effective date of this subdivision in which to obtain the insurance and provide evidence of such to the City Clerk. Any permit issued under the authority of this chapter shall immediately terminate upon the cancellation or termination of the insurance coverage required herein.

117A.05. Issuance of Permit: Terms. The council shall grant a legal fireworks permit to an applicant who complies with the provisions of this chapter and provides a completed application with appropriate approvals and proof of insurance, unless the applicant or designated location has been the subject of prior violations of this Chapter. Each permit issued pursuant to this section shall describe the specific location in which such sales are intended to take place, the dates and times in which sales may occur at such location, relevant permittee data, and such other terms and conditions as may be necessary for the proper enforcement of this chapter.

117A.06. Special Restrictions. Subdivision 1. No person shall set off, ignite or explode legal fireworks on public property.

Subd. 2. No person shall sell legal fireworks to a person younger than 18 years of age. Permittee and permittee's employees selling legal fireworks must be at least 18 years of age. Vendors of legal fireworks must verify the age of purchaser by the use of photographic identification.

Subd. 3. The permittee shall prominently post the permit at all times at the location where the legal fireworks are being offered for sale.

Subd. 4. The permittee shall keep a 2 ½ gallon water type portable fire extinguisher at the location where the legal fireworks are being offered for sale and where they are stored at times when they are not offered for sale.

Subd. 5. The permittee shall prominently post at least two "No Smoking" signs at the location where the legal fireworks are being offered for sale.

117A.07. Violations. Any person who violates the provisions of this chapter shall be guilty of a misdemeanor.

117A.08. Inspections; Termination until compliance gained. Officers of the City's Police and Fire Departments may, at any time when permittee is engaged in selling or displaying fireworks for sale, inspect the premises to determine compliance with this chapter. Permittee must discontinue selling or displaying fireworks for sale until compliance with all provisions of this ordinance is gained.

(3482, 5/20/02; 3489, 6/3/02; 3569, 6/16/03)

